

Document No. 4334
BOARD OF ARCHITECTURAL EXAMINERS
CHAPTER 11
Statutory Authority: 1976 Code Sections 40-1-70 and 40-3-60

- 11-2. Officers
- 11-3. Meetings
- 11-5. Applications and Fees
- 11-8. Renewals
- 11-8.1. Continuing Education

Preamble:

To satisfy the requirements of licensure in the field of architecture, Regulations 11-2 through 11-3, 11-5, and 11-8 through 11-8.1 must be updated in conformance with the current Board of Architectural Examiners Practice Act.

Section-by-Section Discussion:

11-2. Officers.

Adds comma where needed and updates language for clarity.

11-3. Meetings.

Updates language for clarity.

11-5. Applications and Fees.

- A. Adds credit card for application fee payment options.
- B. Deletes fee ranges and states specific fees.

11-8. Renewals.

- A.-B. No changes.
- C. Adds “of Registration” to Lapsed Certificates; changes reinstated and reinstate to renewed and renew; amends time period to comply with statute; adds requirement of 24 continuing education hours.
- D. New subsection addressing Lapsed Certificates of Authorization.

11-8.1. Continuing Education.

- A. No changes.
- B.(1) Deletes “or reciprocity”.
- B.(2) Rewords exemption for registrants on active military duty; registrants may be exempt from some or all of the continuing education requirements.
- B.(3) Adds hardship cases may be considered upon submittal of documentation acceptable to the Board.
- B.(4) Rewords emeritus status exemption and adds statutory reference.
- C.(1) Changes 24 continuing education hours each biennial licensure period to 12 hours each calendar year; changes language to “health, safety and welfare” to agree with National Council of Architectural

Registration Boards (NCARB) language; adds sentence that carry-over of hours within the licensing period is allowed, but not into the next biennial licensure period.

C.(2) Changes language from “the preceding period” to “the two calendar years preceding the calendar year in which the license is set to expire”; clarifies language to agree with NCARB standards; deletes the last sentence.

C.(3) No changes.

C.(4) Changes time limit from 180 to 45 calendar days for registrant to substantiate claim of disallowed continuing education credit or earn other continuing education credit.

D. Rewords for clarity; adds time limit of 30 days for compliance with audit and verification requests.

The Notice of Drafting was published in the *State Register* on December 28, 2012.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on March 1, 2013. Written comments may be directed to Jan Simpson, Administrator, South Carolina Board of Architectural Examiners, Department of Labor, Licensing, and Regulation, Post Office Box 11419, Columbia, South Carolina 29211-1419, or by email to ARCHELP@llr.sc.gov, no later than 5:00 p.m., February 25, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Architects Practice Act. Reg. 11-2 and Reg. 11-3 are edited to remove typographical errors. Reg. 11-5 is amended to comply with S.C. Code Ann. §40-3-50(B), which states “fees for examination, licensure, renewal, and other assessments must be established by the board in regulation.” The fees are currently expressed in a fee range. S.C. Code Ann. §40-3-240(A) provides for application fees and S.C. Code Ann. §40-3-250(A) provides for renewal fees. S.C. Code Ann. §40-3-250(B) specifically references the penalty late fees in Reg. 11-5 (B)(1)(d) and (B)(2)(c). S.C. Code Ann. §40-3-270(A) references that certificate of authorization applicants must pay an application fee. Reg. 11-8 and Reg. 11-8.1 update language to conform to National Council of Architectural Registration Boards (NCARB) standards, simplifying continuing education requirements while maintaining compliance with statutes. S.C. Code Ann. §40-3-250 provides that renewal requirements will be promulgated in regulation.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-3-60.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulations and post the revised regulations on the agency’s web site.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION
BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS:

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE
REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Board of Architectural Examiners Practice Act.

~~Indicates Matter Stricken~~

Indicates New Matter

Text:

11-2. Officers.

A. Officers of this Board shall be chairman, vice-chairman, and secretary, and shall be elected annually. The chairman shall exercise general supervision of the Board's affairs, except such as are placed under the Director of the Department of Labor, Licensing and Regulation, and shall preside at all meetings of the Board when present. The vice-chairman shall possess all the powers and perform all the duties of the chairman in the event of the absence, disability, refusal or failure to act of the chairman. The secretary shall act as its recording secretary; cause written minutes of every meeting of this Board to be kept in the Book of Minutes; affix the Board's Seal to such instruments as require it; and sign all instruments and matters that require attestation or approval of this Board.

B. No members may serve more than two (2) consecutive one-year terms in the office of chairman or vice-chairman, but election to fill an unexpired term shall not bar the serving of two (2) succeeding terms. A member must have served one (1) calendar year on the Board to be eligible for the office of chairman and vice-chairman.

11-3. Meetings.

Notice of all meetings shall be distributed to each member at least five (5) days in advance of such meeting, giving the time, place, and general purpose of the meeting. The Annual meeting shall be held within ninety (90) days of the end of the fiscal year. Public notice of the meetings shall be made in accordance with the Freedom of Information Act.

11-5. Applications and Fees.

A. All applications must be accompanied by an application fee in the form of a credit card or check or money order made payable to South Carolina Board of Architectural Examiners. Applications will be reviewed by the Board within ninety (90) days of receipt. If after review by the Board an application is approved, the applicant shall be advised in writing.

B. The Board may charge the following fees:

Application Fee

Individuals	Not to exceed \$150
Firms	Not to exceed \$150
Examination	Not to exceed \$150
Annual fee	Not to exceed \$150

Renewal Fees – Individuals

In-state Renewal Fee (annual)	Not to exceed \$150
Out-of-state Renewal Fee (annual)	Not to exceed \$200
Late Renewal Penalty Fees	Not to exceed \$200

Renewal Fees – Firms

Late Renewal Penalty Fees	Not to exceed \$200
---------------------------	---------------------

Miscellaneous

File Transfer	Not to exceed \$50
Duplicate Wall Certificate	Not to exceed \$50
Roster	Not to exceed \$50

(1) Individual Fees

(a) Application fee	\$105
(b) Initial licensure fee	\$85
(c) Biennial renewal fee	\$130
(d) Penalty late fees	\$50 during first month after expiration date;

total of \$150 during remainder of the year after expiration. Late penalty fees are assessed in addition to the renewal fee.

(e) Reinstatement application fee	\$105
(f) Reinstatement licensure fee	\$85

(2) Firm Fees

(a) Application and licensure fee	\$100
(b) Biennial renewal fee	\$200
(c) Penalty late fees	\$50 during first month after expiration date;

total of \$150 during remainder of the year after expiration. Late penalty fees are assessed in addition to the renewal fee.

(d) Reinstatement application and licensure fee	\$100
---	-------

(3) Other Fees

(a) File transfer fee	\$50
(b) Electronic list of licensees	\$10

11-8. Renewals.

A. Certificates of Registration issued to individuals expire biennially. They must be renewed for the following licensure period by payment of the renewal fee and by reporting completion of the required continuing education hours. Certificates shall become invalid unless renewed.

B. Certificates of Authorization issued to firms expire biennially. They must be renewed for the following licensure period by payment of the renewal fee and shall become invalid unless renewed.

C. Lapsed Certificates of Registration may be ~~reinstated-renewed~~ by the Board at any time ~~during the remainder of the licensure period within one year from the date of expiration on demonstration of qualification and~~ payment of the renewal fee plus late penalties ~~and demonstration of twenty-four (24) hours of continuing education in health, safety and welfare topics.~~ In case of failure to ~~reinstate-renew by the end of the licensure period within one year from the date of expiration,~~ the Certificate cannot be reissued except by a new application accompanied by the application fee and approval by the Board.

D. Lapsed Certificates of Authorization may be renewed by the Board at any time within one year from the date of expiration on payment of the renewal fee plus late penalties. In case of failure to renew within one year from the date of expiration, the Certificate cannot be reissued except by a new application accompanied by the application fee and approval by the Board.

11-8.1. Continuing Education.

A. These requirements shall apply to every South Carolina registered architect as a condition for renewal of registration.

B. Exemptions: A registrant may be exempt from the continuing education requirements for one of the following reasons:

(1) A first-time new registrant by examination ~~or reciprocity~~ will be exempt for the first renewal.

(2) A registrant ~~is exempt from completing continuing education requirements for his profession while serving on active military duty~~ may be exempt for some or all of the continuing education requirements.

(3) Hardship cases may be considered by the Board on an individual basis upon submittal of relevant documentation acceptable to the Board in its discretion.

(4) ~~Emeritus architects will be exempt from the continuing education requirements. Architects in Emeritus status as defined in Section 40-3-20.~~

C. Requirements.

(1) Each South Carolina Registered architect shall complete a minimum of ~~twenty-four (24)~~ twelve (12) continuing education hours each ~~biennial licensure period~~ calendar year in topics related to ~~safeguarding life, health, property safety and promoting public welfare.~~ No carry-over of continuing education hours into the next biennial licensure period is permitted. However, carry-over within the licensing period is allowed.

(2) Each registrant shall submit, on a form provided by the board, a signed affidavit attesting to the fulfillment of continuing education requirements ~~during the preceding period for the two calendar years preceding the calendar year in which the license is set to expire.~~ Carry-over of a maximum of twenty-four (24) continuing education hours per renewal period is permitted.

(3) Each affidavit may be subject to audit for verification of compliance with requirements. Registrants shall retain proof of fulfillment of requirements for a period of two (2) years after submission in the event the affidavit is selected for audit. Registrants must comply with audit deadlines and requirements.

(4) The Board may disallow claimed credit for continuing education hours. The registrant shall have ~~one hundred eighty (180)~~ forty-five (45) calendar days after notification of disallowance of credit to substantiate the original claim or earn other continuing education credit which fulfills minimum requirements.

D. Noncompliance and Sanctions. Failure to fulfill the continuing education requirements, shall be considered a violation of the Architectural Registration Law. Failure to file the required report, properly

completed and signed, or to comply with audit and verification requests within thirty (30) days of notice shall be considered a violation of the Architectural Registration Law.